

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 SHAVONDA HAWKINS, on behalf of
12 herself and all others similarly situated
13 Plaintiff,
14 v.
15 THE KROGER COMPANY,
16 Defendant.

Case No.: 15cv2320 JM(AHG)

**ORDER ON PLAINTIFF'S EX
PARTE MOTIONS**

17 On May 11, 2020, Plaintiff filed two *ex-parte* motions seeking to strike two
18 documents filed in connection with Defendant's Objections to the Magistrate Order
19 Granting Sanctions. (Doc. Nos. 163, 164).

20 The first is an *Ex-Parte* Motion to Strike the Declaration of Heather Canner And/Or
21 Extend Plaintiff's Time to Respond. (Doc. No. 163.) Plaintiff asserts that Ms. Canner's
22 declaration is mostly argumentative legal briefing that does not belong in a declaration and
23 is an attempt to make an end-run around the page limitations. (*Id.* at 4.) In the event that
24 the declaration is not stricken, Plaintiff requests that the court extend the time she has to
25 respond to the objections by one week. Defendant filed an opposition, contending that Ms.
26 Canner's declaration is purely factual and entirely proper. (Doc. No. 173.)

27 The second is an *Ex-Parte* Motion to Strike Document Davis, Wright, Tremaine,
28 LLP's Objections to Magistrate's Order Granting Sanctions. (Doc. No. 164.) Plaintiff

1 asserts that Davis, Wright, Tremaine, LLP is a non-party in this case, is not authorized to
2 file documents in it, and has not sought to intervene in this case or file an *amicus curiae*.
3 (*Id.* at 3.) Defendant filed an Opposition, countering that Plaintiff is elevating form over
4 substance. (Doc. No. 174).

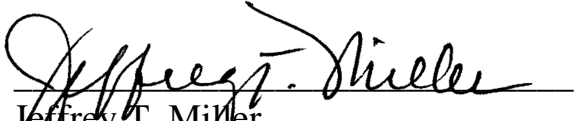
5 Upon consideration of the papers, both *ex-parte* motions are **DENIED**. (Doc. Nos.
6 163, 164.) The declaration of Ms. Canner will be considered for whatever relevance it
7 shall provide. The court will also consider the Objections filed as Docket No. 152, as if
8 they had been filed by Ms. Canner and Mr. Harper individually.

9 Furthermore, the request to extend the briefing schedule is **DENIED**. Plaintiff has
10 up to and including **May 25, 2020**, to file any response to the objections.

11 No further filings will be permitted without court approval.

12 IT IS SO ORDERED.

13 Dated: May 14, 2020

14 
15 Jeffrey T. Miller,
16 United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28